

Exhibit A

AFFIDAVIT

I, Joshua R. Brown, being duly sworn, states as follows:

1. I am a Special Agent of the Drug Enforcement Administration (“DEA”), United States Department of Justice, and have been so employed for approximately three years.

2. This affidavit is submitted in support of the forfeiture of *Eighty-Five Thousand Dollars (\$85,000.00) in United States Currency* (“the defendant property”), more particularly described as follows:

a. Forty-Nine Thousand Dollars (\$49,000.00) in United States Currency seized on September 12, 2019 in Memphis, Tennessee.

b. Thirty-Six Thousand Dollars (\$36,000.00) in United States Currency seized on September 13, 2019 in Germantown, Tennessee.

3. The information in this affidavit comes from my own investigation, as well as court records and information provided by other law enforcement personnel with firsthand knowledge of the facts set forth herein. Because this affidavit is submitted for the limited purpose of supporting a Verified Complaint of Forfeiture, I have not included each and every fact known to the government about the investigation described below.

4. In approximately April of 2018, the DEA initiated a criminal investigation into the George Miller Drug Trafficking Organization (DTO). Through the use of controlled drug purchases, investigators discovered this organization, specifically Miller, was distributing large amounts of heroin and fentanyl in the Memphis, TN metropolitan area.

5. On or about August 22, 2019, Miller was indicted by a federal grand jury in the Western District of Tennessee. The six-count indictment charged Miller with possession of fentanyl and heroin with intent to distribute, in violation of 21 U.S.C. §841(a)(1), possession of a

firearm during and in relation to a drug trafficking crime, in violation of 18 U.S.C. §924(c), and possession of a firearm by a convicted felon, in violation of 18 U.S.C. §922(g). Miller was taken into custody on these charges. This indictment stemmed, in part, from the seizure of approximately 708 grams of heroin/fentanyl in Memphis in April of 2018, from the residence of Miller located at 10 South Main Street, Apt. 205, Memphis, TN, during the execution of a search warrant obtained from a Shelby County Judicial Commissioner. Also seized at this location was \$7,421.00 U.S. Currency, noted as Exhibit N-4, suspected of being drug proceeds. (That currency was later forfeited to the United States in an administrative proceeding and is not a part of the defendant property in this case.). Agents found that this apartment was leased to Pamela Haynes, Miller's mother.

6. Prior to his indictment, agents were in communication with investigators from the Memphis Police Department (MPD) Organized Crime Unit (OCU), who were also investigating Miller as a heroin and fentanyl distributor in Memphis, TN. Miller was suspected of being responsible for a number of overdose deaths in the area. Members of MPD-OCU did encounter Miller on August 20, 2019, and found him to be in possession of approximately 0.7 grams of fentanyl and \$1,235.00 U.S. Currency (not a part of the defendant property in this case). Miller was taken into custody and a follow-up investigation led to a search warrant being executed by MPD-OCU at Miller's current residence of 2158 Dogwood Creek Court, Apt. 102, Collierville, TN. During the search, officers seized approximately \$37,157.00 U.S. Currency, which was also later forfeited in an administrative proceeding and is not a part of the defendant property in this case. Additionally, investigators located an envelope from First Citizens National Bank with the number "21" on it. The envelope contained keys to a safe deposit box. Additional investigation revealed this safe deposit box to be in the name of Haynes, whose name was also on the lease for

the Collierville apartment. Agents later obtained a search warrant for this safe deposit box, but found it empty.

7. While Miller was in state custody prior to his federal indictment, MPD-OCU investigators obtained audio recordings of the calls he made from jail. During this time, Miller was in conversation with Haynes about large sums of money that he had in his possession and Haynes' knowledge and participation in storing the money.

8. Throughout this investigation, Miller has been observed in possession of and driving two separate vehicles on two separate occasions, which were registered to Haynes, as well as in a rental car, which was rented in the name of Haynes. Based on my training and experience, I know that it is common for drug traffickers to buy and lease real property, and purchase and hold other assets such as vehicles and bank accounts, in the names of relatives and other associates (known as "nominees") while maintaining dominion and control over the nominee-titled assets and treating them as their own. Agents believe that that Haynes, acting as nominee for Miller, is an active facilitator in the Miller DTO.

9. The defendant property was seized when Miller stated to agents during an interview on or around September 12, 2019, that he had directed Haynes to move the money from the safe deposit box, which agents had gotten a search warrant for and found empty. During the proffer, Miller called Haynes and directed her to give the money from the safe deposit box she, which she had moved, to agents. Miller stated to agents that the money in the safe deposit box was drug money commingled with inheritance money and should be "approximately \$100,000.00."

10. On that same day, after the interview, SA Brown and TFOs Stevens and Henshaw met with Haynes and Miller's attorney at the attorney's office. At the law office, Haynes provided agents with a quantity of U.S. Currency, which was later determined to be \$49,000. Haynes advised

this was only a portion of the currency from the safety deposit box and that she would be able to obtain the remaining portion the following day, when the bank opened.

11. The following day, September 13, 2019, SA Brown and TFOs Stevens and Henshaw met with Haynes at Pinnacle Financial Partners Bank located at 9057 Poplar Avenue, Germantown, TN. At the bank, Haynes provided agents with another quantity of U.S. Currency, later determined to be \$36,000, which was the remainder of the currency from Miller's safety deposit box.

12. TFO Joseph Hoing detailed his trained narcotics detection canine "Tex" on both quantities of currency, and Tex did alert in a positive manner for the presence of the odor of narcotics on both exhibits.

13. Based on the foregoing, I believe that the defendant property is subject to forfeiture pursuant to 19 U.S.C. §1595a(d), which provides for the forfeiture of property exported from the United States, contrary to law, including stolen merchandise, and requires that such merchandise be seized and forfeited to the United States.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 13th day of February, 2020.

/s Joshua R. Brown
JOSHUA R. BROWN, Special Agent
Drug Enforcement Administration